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10/695,445	10/29/2003	Frederic Fox	1481.0310000	4563
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STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,445

Applicant(s)

FOX ET AL.

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This **Final** Office Action is responsive to Applicant's amendment filed July 15, 2005. Applicant's amendment amended claims 1-9 and added new claims 10-21. Currently claims 1-21 are pending.

#### ***Response to Amendment***

2. Applicant's amendment filed on July 15, 2005 with respect to amended claims 1-9 and newly added claims 10-21 necessitated new ground(s) of rejection.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the assignment of an opportunity measures includes assigning tags such as high opportunity, high risk, etc. or that the opportunity matrix contemplates standard and non-standard statistical measures used to control the determination of opportunities or risk; Remarks Page 10) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(s) as being unpatentable over Smith et al., U.S. Patent Publication No. 2003/0004780 in view of Fox et al., U.S. Patent No. 5,832,456.

Regarding Claim 1, the weather-based decision system as claimed merely comprises a plurality of subsystems (filters, components, programs, code, etc.) **for** performing some action (e.g. “a confidence level filter *for* assigning a confidence level...” ) however the system does not actually perform the actions (assignments). For the purposes of examination examiner assumes the applicant will amend the claim to recite that THE weather-based system performs the actions/assignments (e.g. “a confidence level filter ~~for assigning~~ assigns a confidence level...” ).

Further the phrases “confidence level *filter*”, “opportunity matrix *filter*”, “weather decision point *generator*” and “rule recommendation *engine*” represent non-functional descriptive material since it is obvious in light of the prior art and to one skilled in the art that where (in what section, portion, subsystem, routine, code, segment, object, etc.) the

actions/assignments are performed by the system or it's subsystems (components, sections, code, routines, etc.) does not change the overall functionality of the system.

Regarding Claim 1 Smith et al. teach a weather-based decision system for providing business recommendations (actions, plans, etc.) based on a plurality of weather (meteorological, climatological) and other business data/information (Abstract; Paragraphs 0008-0010; "...provides a means for incorporating such information (weather) into business planning in a way that will enhance the recommendation of operational solutions that can maximize quantifiable business objectives...", Paragraph 0022).

More generally Smith et al. teach a method and system for integrating a plurality of weather information into well-known enterprise systems (computer-based planning systems, decision support, enterprise planning, materials requirements, supply chain, expert systems, etc.; Abstract; Paragraphs 0002-0007, 0018-0022; Figures 1, 2, 4 and 5 as shown below) thereby enabling businesses to make weather-adapted business decisions ("...allows weather information to be systematically considered and evaluated in the context of the extended enterprise planning environment..."; Paragraph 0010).

More specifically Smith et al. teach that the weather-based decision system comprises:

- assigning a confidence level (accuracy) to the weather driven demand data (Paragraphs 0029, 0031, 0034, 0036; 0041, 0051; 0046; Figure 2, Element 203; "The system may also be used to evaluate the value of the weather information, e.g. as a

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function of various accuracies...", Paragraph 0063; "...the probability with which the event will or may occur. The enterprise system, in step 313, integrates this information with relevant business process system components to make an informed decision regarding the event.", Paragraph 0031);

- assigning an opportunity level (value, parameter, measure, etc., e.g. performance goals) to the weather driven demand data (Paragraphs 0051-0054, 0064; "...the system may examine the meteorological weather forecast (including accuracy) for each potential airport in conjunction with each airport's flight capacity in order to determine whether a user should reroute his or her flight while meeting the performance goals.", Paragraph 0061);

- generating weather decision points (thresholds, critical decision thresholds, critical decision criteria; weather thresholds, user-defined thresholds; Paragraphs 0029, 0030, 0050-0051);

- providing business recommendations via a business rules engine (rules engine, expert system, decision support system, enterprise resource planning system, etc.; Paragraphs 0022-0023; Figure 5; "Rules may be implemented in a rule-based knowledge system (e.g. expert system) or by other means.", Paragraph 0050); and

- a business rules database ("...weather rules database, and ... business decision rules database."; Paragraph 0033; Figure 4, Elements 401a, 403a as shown below).

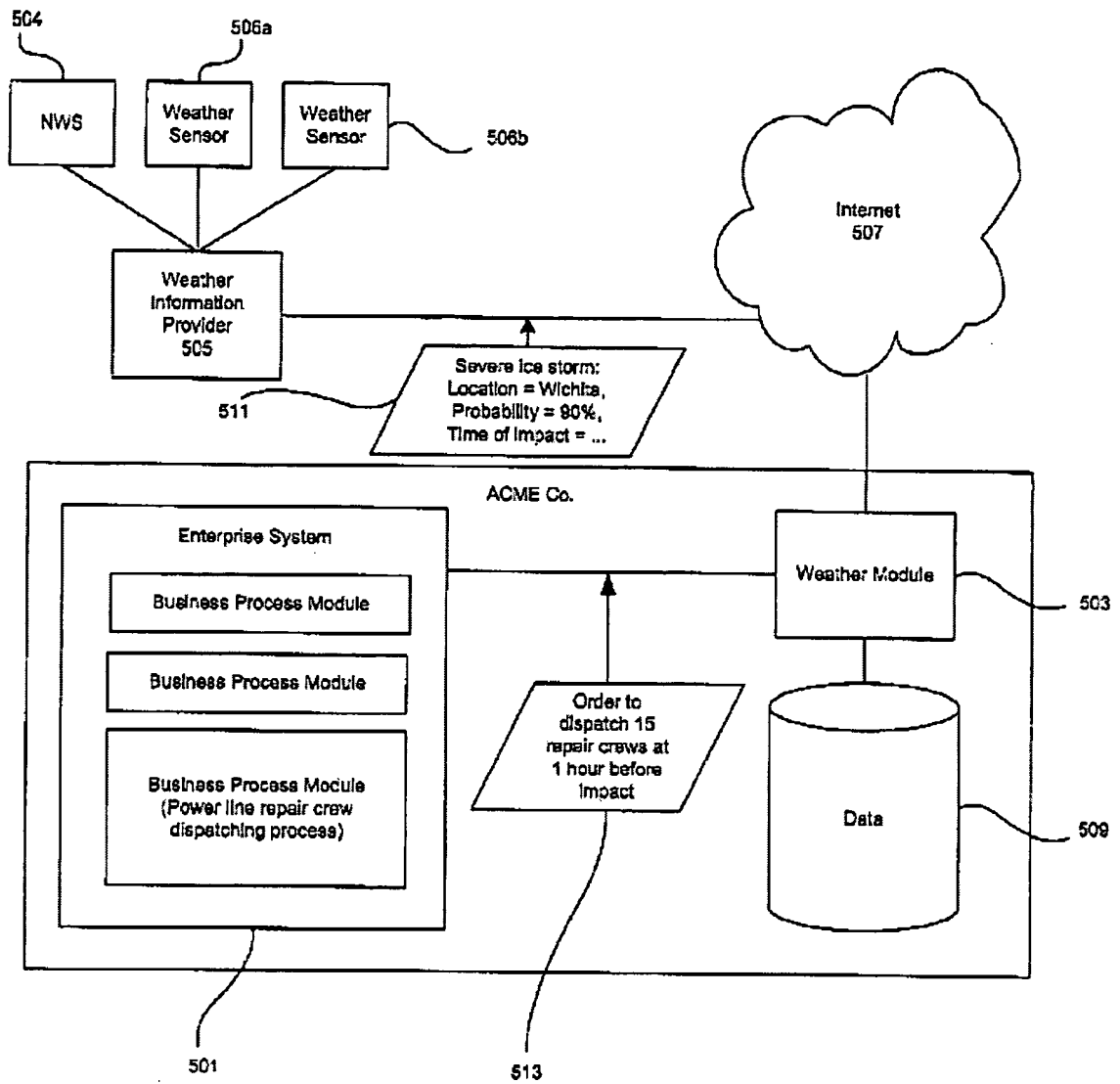


FIG. 5

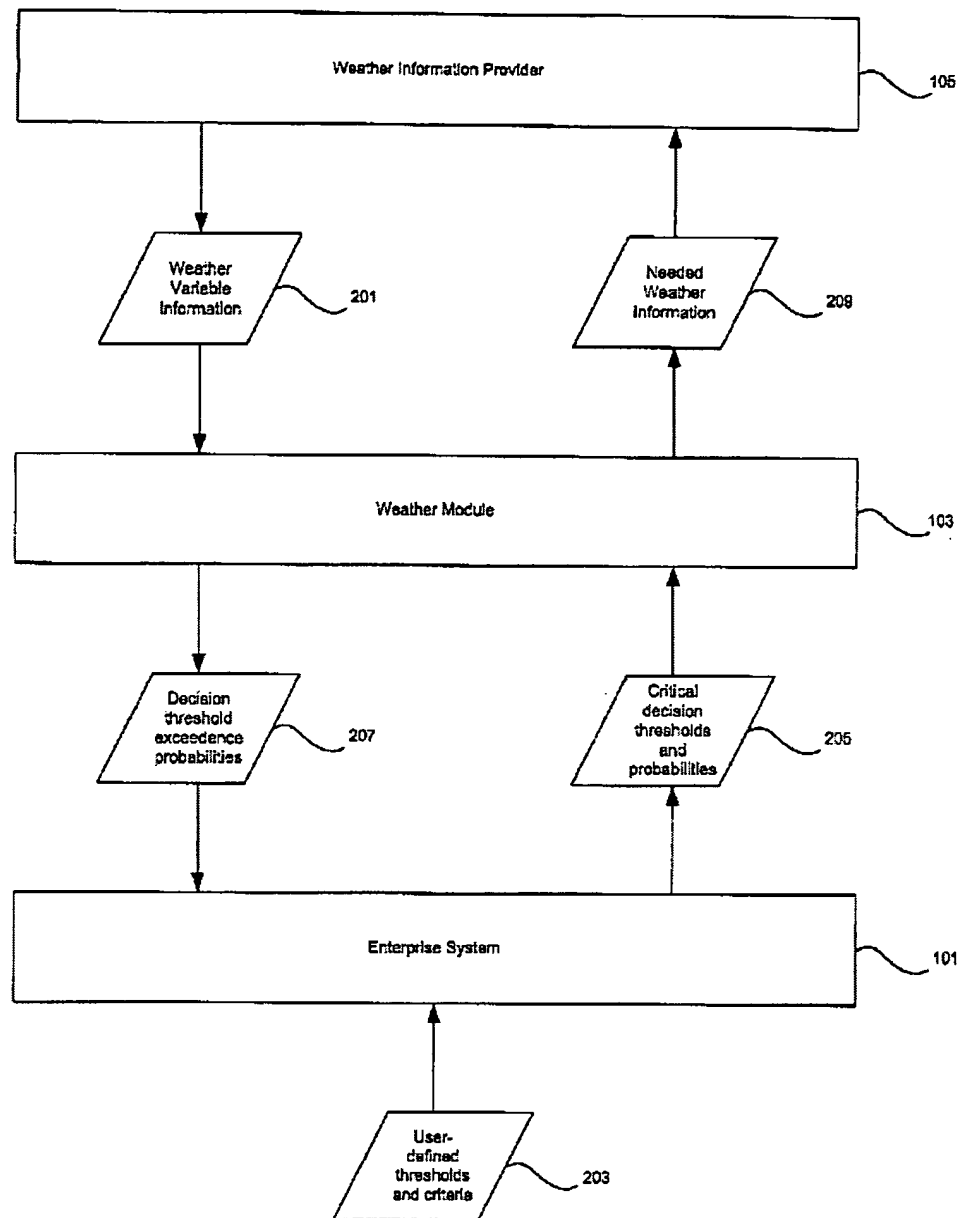


FIG. 2

While Smith et al. teaches that the weather-based decision system and method enables businesses to account for the well-known impact/effect of weather events/elements on the demand for products and/or services (weather driven demand) as well as the effect weather on business activities/processes Smith et al. does not



expressly teach that weather driven data indicates *how* a business activity is influenced by one or more weather elements as now claimed.

Fox et al. teach utilizing weather-driven product/services demand data (positive/negative impact, increase/decrease sales, retail performance, Column 14, Lines 20-25; Column 20, Lines 18-25; Column 21, Lines 45-50) that indicates *how* a business activity is influenced by one or more weather elements/events (e.g. sales, traffic, etc.; "A configurator (business support engine) coupled to the analyzer, estimates expected future retail performance.", Column 6, Lines 26-28), in an analogous art of weather-based business decisions systems/methods, for the purposes of forecasting future business (retail) performance (Abstract; Column 6, Lines 18-34).

Fox et al. further teach that the weather-based decision system and method analyzes historical business performance in order to predict future business performance (weather decision points; Abstract; Column 4, Lines 18-34; Column 7, Lines 6-36) and further comprises:

- assigning confidence levels (interval, measures, metrics, etc.) to weather-driven data (Column 23, Lines 3-7; Figure 29);
- assigning opportunity levels (scores, counts, values, indices, etc.) to weather driven data (Column 16, Lines 58-68; Column 17, Lines 1-58; Column 23, Lines 45-50; Figure 29) by product, region and the like (Column 20, Lines 18-25 and 65-68; Figures 6, 26);

- identifying weather decision points ("the invention is used to forecast the opportunity of the snow sled market for next January.", Column 7, Lines 25-30; "decision view window", Column 22, Lines 51-60; Figure 29);
- analyzing, via an analyzer subsystem, historical sales (weather-driven demand data) and weather (events, patterns, trends, etc.) data (Column 10, Lines 27-30; ; Figure 1) to determine such things as the positive/negative impact of weather on business performance (Column 14, Lines 20-23); and
- a plurality of databases historical weather, weather patterns, weather forecasts, sales and the like (Figure 3, Element 302).

Fox et al. further teach that it is old and well known that weather drives/impacts nearly all businesses and that businesses inherently use weather-driven (based, influences, etc.) data ("implicitly weather effects are already embedded in MIS POS database...", Column 4, Lines 17-20) when performing well known business planning/management processes ("all retailers must forecast how much inventory to buy and distribute based on expected demand and appropriate inventory buffers" (Column 5, Lines 4-8; i.e. demand/supply chain planning/management).

It would have been obvious to one skilled in the art at the time of the invention that the weather-based decision system and method for providing business recommendations based on a weather driven data as taught by Smith et al. would have benefited from utilizing weather driven demand data that indicates *how (positively, negatively, etc.)* a business activity is influenced by one ore more weather elements in

view of the teachings of Fox et al.; the resultant system providing additional weather-driven (influenced) data into the enterprise planning systems and methods (processes) thereby further enabling businesses to make decisions based on weather information/data (Smith et al.: Paragraph 0007, 0010).

Regarding Claim 2 Smith et al. teach a weather-based decision system that enables users, as part of the overall enterprise system (computer-based planning systems; e.g. i2, SAP, Oracle, etc.), to view a plurality of information and data related to the management of the business ("integrated view", Paragraph 0003) and that the system can be access/utilized as part of an Internet website (websites implicitly have a graphical user interface; Paragraphs 0058, 0074).

While the utilization of graphical user interfaces are well known in the art for enabling users to efficiently interact with computer systems Smith et al. does not expressly teach that the weather-based decision system further comprises a graphical user interface.

Fox et al. teach a weather-based decision system and method further comprising a graphical user interface (Abstract; Figures 23-43), in an analogous art of weather-adapted decision systems, for the purposes of forecasting future business (retail) performance (Abstract; Column 6, Lines 18-34).

It would have been obvious to one skilled in the art at the time of the invention that the weather-based decision system and method, with its ability to provide an “integrated view” of the business and availability via the Internet, as taught Smith et al. would have utilized a graphical user interface to provide a convenient mechanism for users to interact with the system in view of the teachings of Fox et al.

Regarding Claim 3 Smith et al. teach a weather-based decision system further comprising an external data (database, data stream, data access/transfer layer, etc.) interface for accessing one or more external data sources (“various weather providers”, Paragraph 0017; Paragraphs 0017, 0026-0027, 0034, 0066; Figures 1, Element 107 and Figure 4 below).

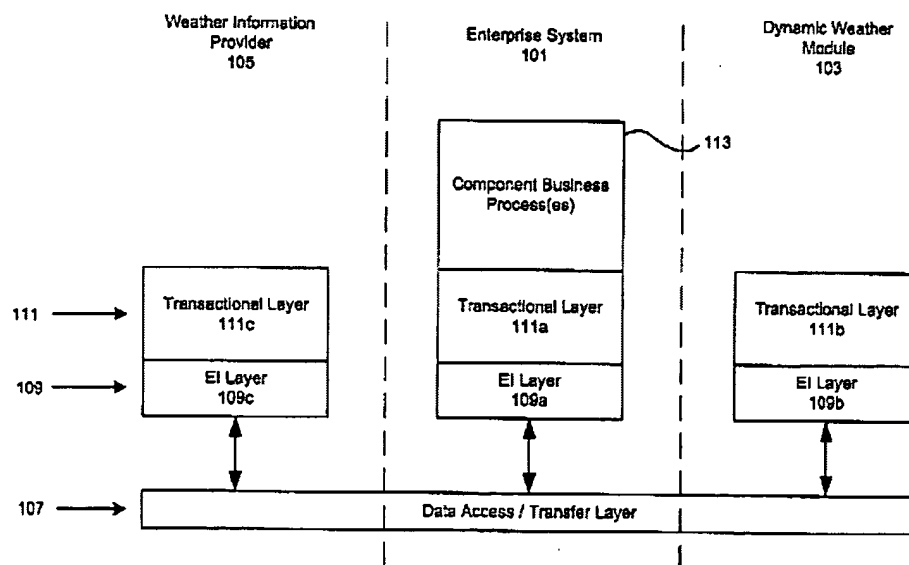


FIG. 1

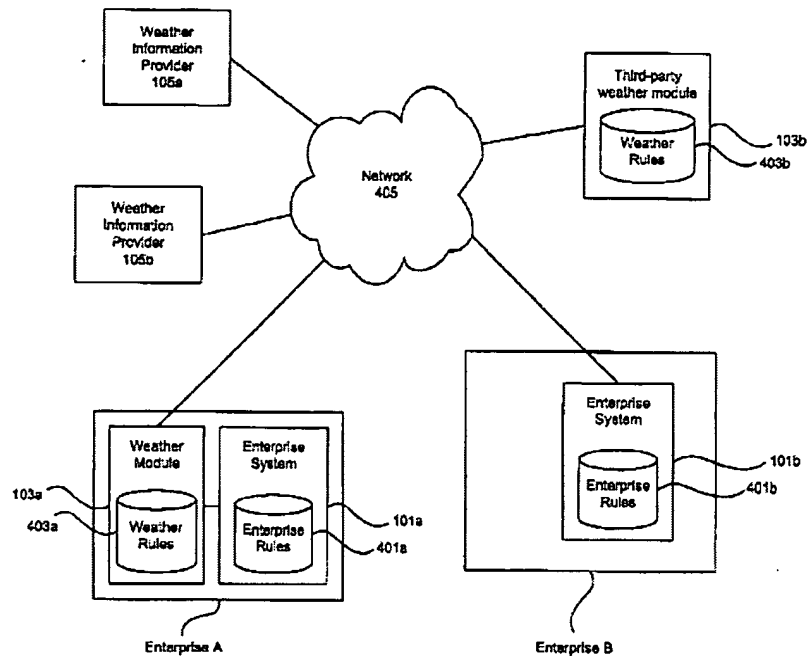


FIG. 4

Further regarding Claim 3, the weather-based decision system as claimed merely comprises an external database interface (connection, linkage, etc.) that **can** be used to access one or more external databases (data stores, data sources, etc.) however the system as claimed does not actually access any external data. For the purposes of examination examiner assumes the applicant will amend the claim to recite that weather-based system actually connects (interfaces, links, etc.) with one or more external sources of data.

Regarding Claim 4 Smith et al. teach a weather-based decision system wherein the confidence level is based on a probability that a weather element forecast is accurate ("...may compare accuracy of the weather information...", Paragraph 0034;

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"Accuracy can be measured using a wide range of techniques.", Paragraph 0036; ;  
"...the probability with which the event will or may occur. The enterprise system, in step 313, integrates this information with relevant business process system components to make an informed decision regarding the event.", Paragraph 0031; Paragraphs 0029, 0031, 0034, 0036; 0041, 0051; 0046; Figure 2, Element 203).

Further Smith et al. teach the utilization of a plurality of accuracy measures (confidence levels) related to weather forecast and non-weather related information as part of the decision rules (Paragraph 0034) and that the confidence levels (accuracy) enables the system to take into account the accuracy of the information upon which the decision making process takes place ("...may use accuracy information independent of weather forecast information for decision rules based on accuracy...", Paragraph 0034; "The system may also be used to evaluate the value of the weather information, e.g. as a function of various accuracies...", Paragraph 0063).

Regarding Claims 5, 18 and 21 Smith et al. teach a weather-based decision system wherein a plurality of businesses and their associated business processes (products, good, services and the like) are sensitive to weather elements (events, effects; Paragraphs 0004-005, 0008, 0023-0024; "...one or more computer-implement component business processes which are sensitive to the effects of weather.", Paragraph 0023) and that such weather element relationships (relationship or impact of a weather element on a business activity; sensitivity of the business process to weather)

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are captured as part of the business automation process (Paragraphs 0023, 0049; e.g. airplane flight routing system).

Further Smith et al. teach the utilization of a plurality of accuracy measures (confidence levels) related to weather forecast and non-weather related information as part of the decision rules (Paragraph 0034) and that the confidence levels (accuracy) enables the system to take into account the accuracy of the information upon which the decision making process takes place (“...may use accuracy information independent of weather forecast information for decision rules based on accuracy...”, Paragraph 0034; “The system may also be used to evaluate the value of the weather information, e.g. as a function of various accuracies...”, Paragraph 0063).

While Smith et al. teach that the system determines, analyzes and utilizes the correlations/relationships between weather elements and business activities (i.e. weather and business rules embody the sensitivity/correlation/impact between business activities and weather elements) Smith et al. does not expressly teach that a confidence level (measure of accuracy) is assigned based on the strength of the correlation (relationship, sensitivity, impact, etc.) between a product/service (event, decision, process, etc.) being considered and one or more weather elements (events).

Fox et al. teach a weather-based system and method wherein the impact (positive, negative, none) of weather elements on business activities (performance, product's sale) is measured/calculated (score, count, etc.; Column 14, Lines 19-34;

Column 16, Lines 60-68; Column 20, Lines 17-25; Column 22, Lines 55-57; Figures 14, 26, 29) and that a confidence level is applied to the correlation between the product and one or more weather elements (Column 23, Lines 1-8).

It would have been obvious to one skilled in the art at the time of the invention that the weather-based decision system and method, with its ability to model and predict business performance, via business and weather rules, based on the sensitivity of business activities to weather and use of a plurality of accuracies as taught Smith et al. would have benefited from modeling (including in the business rules) the strength of correlation between the business activity and one or more weather events/elements in view of the teachings of Fox et al.; the resultant system providing users/businesses an enhanced ability to determine the impact of weather on a plurality of business activities (components, processes, products) in view of the teachings of Fox et al.

Regarding Claim 6 Smith et al. teach a rules-based weather-based decision system (expert system) wherein weather decision points are generated by examining (comparing, analyzing, reviewing, etc.) a plurality of information (variables, parameters, data, rules, etc.) including but not limited to a weather forecast confidence level (accuracy), the weather forecast (weather information historical and future) and the opportunity level for a weather driven demand data point (Abstract; Paragraphs 0008-0010, 0029, 0031, 0034, 0036; 0039, 0041, 0051; 0046; Figure 2, Element 203).



Regarding Claims 7 and 12 Smith et al. teach a method for generating business recommendations for a business activity based on one or more weather elements (weather-based decision system and method) comprising ("The enterprise may use this information to make advanced informed decisions based at least in part on weather information.", Paragraph 0068; Paragraph 0031):

(a) receiving a plurality of weather element relationship for a business activity (user thresholds, business rules, weather rules, weather sensitivity; Paragraphs 0024, 0029, 0051);

(b) receiving weather driven demand for a business activity (Paragraphs 0051; Figures 2, 4 and 5 as shown above);

(c) assigning an opportunity (potential sales, potential revenue, competitive forces, profit, business optimization, etc.; Paragraphs 0018-0022, 0061, 0074) measure (levels, metric, value, points, score, etc.) to each of the data points within the weather driven data;

(d) identifying weather decision points based on opportunity measures (thresholds, user-defined thresholds; Paragraph 0029-0030; Figure 3); and

(e) generating business recommendations by applying business weather rules (Paragraphs 0010, 0019, 0033, 0072-0074; Figure 3).

Regarding Claim 8 Smith et al. teach a weather-based decision system and method wherein the weather sensitivities of business activities are modeled and utilized for providing business recommendations as discussed above.

Further Smith et al. teach the utilization of a plurality of accuracy measures related to weather forecast and non-weather related information as part of the decision rules and that the confidence levels enables the system to take into account the accuracy of the information upon which the decision making process takes place as discussed above.

Smith et al. does not expressly teach that confidence levels are assigned to the weather element **relationships** (i.e. measure the accuracy of the relationship between a business activity to a particular weather event/element) as claimed.

Fox et al. teach a weather-based system and method wherein the impact of weather elements on business activities is measured/calculated and that a confidence level is applied to the correlation between the product and one or more weather elements as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the weather-based decision system and method, with its ability to model and predict business performance, via business and weather rules, based on the sensitivity of business activities to weather and use of a plurality of accuracies as taught Smith et al. coupled with modeling (including in the business rules) the accuracy of the relationship between a business activity and a weather element (weather element relationship confidence level, sensitivity) provides the user with an enhanced ability to determine the

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impact of weather on a plurality of business activities (components, processes, products) in view of the teachings of Fox et al.

Regarding Claim 9 Smith et al. teach weather-based decision system and method further comprising:

(f) assigning weather element confidence levels (accuracy) to weather driven demand data (Paragraphs 0029, 0031, 0034, 0036; 0041, 0051; 0046; Figure 2, Element 203); and

- using the weather element confidence levels to identify weather decision points (thresholds, user-defined thresholds; Paragraph 0029-0030; Figure 3).

Regarding Claims 10 and 19 Smith et al. teach that the weather-based decision system and method utilizes accuracy measures (levels, values, etc.) of weather related data provided by a plurality of complementary and/or redundant weather information providers as part of the business recommendation process and that the accuracy measures can be used to evaluate (compare, rate, etc.) the accuracy (value, reliability, uncertainty) of the plurality of weather information/information providers ("The system may also be used to evaluate the value of the weather information, e.g. as a function of various accuracies...", Paragraph 0063; Paragraphs 0024, 0034, 0036-0037).

Smith et al. does not teach that the weather-based decision system and method internally generates weather element/events predictions/forecasts or subsequently

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compares those internally generated predictions (forecasts, estimates, etc.) to external (third party, etc.) forecasts (estimates, predictions, etc.) as claimed.

Official notice is taken that comparing internally generated (calculated, determined, estimated, etc.) values (numbers, measures, levels, etc.) to externally (third party, object, etc.) values in order to determine the degree to which the two values correspond (match, correlate, etc.) is old and very well known for providing a mechanism for users/systems to do such things as check/determine the accuracy of their calculations by comparing them to the calculations of others thereby providing a degree of confidence in the forecast/prediction if the two values are close/similar.

It would have been obvious to one skilled in the art at the time of the invention that the weather-based decision system and method with its utilization and evaluation of one or more forecasted weather element/event data from one or more weather information providers would have benefited from internally generating weather element/event predictions/forecasts in order to assign a confidence/accuracy measure to one or more of the externally/internally predicted/forecasted weather elements/events based on a relationship between a weather element (event) forecast (e.g. external prediction/forecast/estimate for a weather event) and at least one element prediction (system generated weather element forecast/prediction/estimate) in view of the teachings of official notice; the resultant system providing users/businesses of the system a degree of confidence in the forecasted/predicted weather element/event data.

Regarding Claims 11 and 20 Smith et al. teach a weather-based decision system and method wherein at least one of the weather element/event predictions (forecasts, predictions, estimates, etc.) is based on trends (patterns) in weather elements/events measurements (data, information, values, etc.) "...the business process decision system is capable of integration weather information relevant to business processes or making business decisions based on short-term weather forecasts as well as on general weather trends.", Paragraph 0007).

Regarding Claims 13 and 15 Smith et al. teach a weather-based decision system and method wherein the system assigns confidence levels (measures, accuracy, values, points, etc.) to weather information/data and that those confidence levels are utilized to identify business decision points as discussed above. Smith et al. further teach that business rules can be applied to any geographic area (Paragraph 0050).

Smith et al. does not expressly teach the assignment of confidence levels by geographic region (for weather driven) as claimed.

Fox et al. teach the importance of regional/local weather patterns on weather-based decision systems; more specifically teaching the "direct and dramatic" impact local weather elements (events, patterns, trends, etc.) have on business performance/decisions (Column 4, Lines 43-64). Fox et al. further teaches that weather

anomalies are almost by definition purely local/regional events rather than national events/elements (Column 4, Lines 1-5).

It would have been that the weather-based decision system and method as taught by Smith et al. would have benefited from assigning confidence measures by geographic region in view of the teachings of Fox et al.; the resultant system taking into account the inherent local/regional nature of weather elements/events by assigning confidence levels/measures based on the geographic area for which the weather data has been provided.

Regarding Claims 14 and 16 Smith et al. teach a weather-based decision system and method wherein the system assigns confidence levels (measures, accuracy, values, points, etc.) to weather information/data and that those confidence levels are utilized for identifying business decision points as discussed above. Smith et al. further teach that the accuracy of weather information varies based on the time period and that the user may select a time period provides (has) the required accuracy level (forecast time horizon selected/used; Paragraph 0042).

Regarding Claim 17 Smith et al. teach a weather-based decision system and method wherein the system utilizes business rules, stored in a database (matrix, table, etc.) wherein the rules are expressed in/evaluated on a plurality of parameters including but not limited to historical weather information, opportunity measures, confidence

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measures and the like thereby enabling the system to identify and act upon weather decision points (i.e. business activities influenced by weather; Abstract; Paragraphs 0007, 0017).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lee et al., U.S. Patent No. 5,712,985, teach a system and method for estimating business demand wherein the system accounts for a plurality of influences on the demand for products/services including but not limited to weather.

- Garg, Amit, U.S. Patent No. 6,009,407, teach a demand forecasting method and system wherein the system utilizes weather-driven demand data.

- Schuhn, Wolfgang, U.S. Patent Publication No. 2005/0177411, teach a product/service demand planning system and method, wherein the system utilizes a plurality of external demand influence data (e.g. weather) to forecast and manage demand as part of a supply chain.

- Fox, Frederic, Weather the next retail frontier, teaches the old and very well known utilization of weather-based decision systems (business planning, inventory/supply control) and methods wherein weather driven demand data and weather forecast data are combined/analyzed in order to determine the impact on a plurality of business activities (sales, store traffic, etc.).

- Robins, Gary, Tracking sales climate, teaches the old and very well known application of weather data and weather-based/influenced demand data ("weather is definitely related to traffic and sales") in business planning (i.e. decision making) information systems (e.g. ARTHUR).

- Vogelstein, Fred, Corporate America loves the weather, teaches the well known utilization of weather data (forecasts) as part of business decision making processes (methods) and systems (e.g. such systems enabling business to plan ahead for workload, inventory, and the like). Vogelstein further teaches the utilization of



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market data to forecast product demand (weather driven demand data) at a plurality of companies including Sears, Kmart and the like. Vogelstein teaches that Strategic Weather was formed in the 1930s to provide long-range weather forecasts to businesses who use the information as part of their business decision-making processes (methods, systems, etc.).

- Cawthorn, Chris, Weather as a strategic element in demand chain planning, teaches a weather-based decision method/system for providing business recommendations (demand-chain planning) based on a set of weather-driven (influenced, impacted, etc.) demand data comprising four phases (steps): historical analysis to correlate/determine the strength of the relationship between sales (demand) and weather events/elements, assessing missed opportunities, creating weather-driven product demand forecasts (by product, region, etc.) and developing future plans/strategies (business decisions) to improve sales, decrease inventories and the like.

- Baker, Stacy, Only the weatherman knows, teaches that "Every retailer knows that weather impacts sales performance..." and that companies such as Strategic Weather Services provide methods/systems to enable business to make decisions based on weather-driven demand for products. Baker further teaches the integration of these weather-based decision systems with well known Enterprise Resource Planning (ERP) systems such as SAP.

- Planalytics Introduces Three Planning Products at Retail Systems 2001, teaches the commercial availability/public sale of a plurality of weather-based decision

systems/methods for providing business recommendations based on a set of weather driven demand data. The article further teaches that one of the systems, Impact NOW, provides "specific product favorability indicators" (i.e. opportunity levels) that enable businesses "to make tactical decisions on markdowns and product placement."

- Demantra, Planalytics Offer Joint Solution, teaches the commercial availability of a weather-based decision system for providing business recommendations based on a set of weather driven demand data.

- Taming the Weather Unpredictable Impact, teaches Sunbeam Products' use of a method/system for making business decisions (e.g. identifying sales opportunities) utilizing weather driven/influenced demand and weather forecast data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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